

Goodfellow, Bob

From: Mason, Steve
Sent: Friday, April 26, 2013 1:15 PM
To: Broyles, Ragan; McQuiddy, David; Smith, Monica; Ward, Misty; Goodfellow, Bob
Cc: Petersen, Chris
Subject: RE: West - 4/25

Bob, what do you think...

Since we did an inspection in 2006, it may be a little confusing with the first statement that we received the RMP two years ago...

Might state that we received the most current revision of the RMP two years ago, but that West Fertilizer filed the original RMP in _____ (probably 1999)...

From: Broyles, Ragan
Sent: Friday, April 26, 2013 11:23 AM
To: Mason, Steve; McQuiddy, David; Smith, Monica; Ward, Misty; Goodfellow, Bob
Cc: Petersen, Chris
Subject: FW: West - 4/25

Any comments on any of the statements that David provided?

From: Webster, Susan
Sent: Friday, April 26, 2013 10:16 AM
To: Smith, Monica; Goodfellow, Bob
Cc: Broyles, Ragan
Subject: Fw: West - 4/25

Any concerns? Most is from info we provided last week? Tx

From: Gray, David
Sent: Friday, April 26, 2013 10:07:50 AM
To: Webster, Susan; Broyles, Ragan; Ruhl, Christopher
Subject: West - 4/25

Here is compiled list of the current statements:

RMP Statement (West)

EPA received the Risk Management Plan two years ago and reviewed it. The worse-case scenario was an accidental release of all 54,000 pounds of anhydrous ammonia into the community. At room temperature anhydrous ammonia is a gas. This scenario is a plausible worse-case scenario as gaseous anhydrous ammonia can be lethal.

Clean Air Act (CAA) 112r requires a facility to address catastrophic accidental air releases of chemicals in its Risk Management Plan. Ammonium nitrate, a solid, is not currently a chemical material addressed by this provision of the CAA. We do not yet know what happened at this facility. The ongoing investigation will inform us on the plan's adequacy. In

addition, the investigation will review if there are any violations. Based on the results of this investigation, EPA review if changes are required.

Additional Background: The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act was enacted to address concerns that Internet posting of a large database created from sections of RMPs would pose law enforcement and national security risks.

After an assessment of both the potential for increased risk of terrorist and other criminal activity that could result from posting RMPs information on the Internet and the chemical safety benefits of allowing public access to the information, regulations allowing public access to information in ways that are designed to minimize the likelihood of chemical accidents, the risk associated with Internet posting, and the likelihood of harm to public health and welfare were created.

These regulations allow the individuals to register and view in person copies of RMPs in their area. Copying of the RMPs are not permitted. These regulations also allow federal, state and local offices to share RMPs but prohibit officials from distributing RMPs except as authorized by law with criminal penalties for unauthorized disclosure.

Investigation Statement

We do not yet know what happened at the facility in West, Texas. The lead for the investigation is the Texas Fire Marshal. All inquiries regarding the investigation should be directed to Rachel Moreno (Rachel.Moreno@tdi.texas.gov).

RMP Statement (General)

Facilities are required to file an RMP for anhydrous ammonia and those reports are available in the appropriate reading room across the county. RMPs are not available online from the federal government. EPA does not generate a chemical specific report for all facilities in the US.

EPA has made available a redacted version of the RMP for West Fertilizer Company and a summary of the redacted material as provided for by the statute. It is available at <http://www.epa.gov/region6/newsevents/index.html> .

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Enforcement History Statement

Each company's compliance record is available online using the EPA's Enforcement & Compliance History Online (ECHO) public database.

ECHO provides a fast, integrated search of EPA and state data for over 800,000 regulated facilities in the US. The database integrates inspection, violation and enforcement . EPA does not generate a chemical specific report for all facilities in the US.

The ECHO database is accessible at <http://www.epa-echo.gov/echo/> and a useful first time user guide is available at http://www.epa-echo.gov/echo/first_time_users.html .

Fines/Penalties Statement

Based on the conclusions from the investigation lead by the Texas Fire Marshal, EPA will determine possible violations to federal law and establish fines. We do not yet know what happened at this facility. We cannot speculate on the EPA fines or penalties until we know more.

Questions regarding possible state fines should be directed to the appropriate state agency.

RMP Inspection (West)

EPA conducted an inspection of the Risk Management Plan at West Chemical and Fertilizer on March 16, 2006, and found a number of deficiencies. EPA fined the facility \$2,300 on August 14, 2006, and directed the company to correct the deficiencies. The company certified they corrected the deficiencies. The facility, which is required by law to submit an updated plan at least every five years, submitted an updated plan in 2011.

The deficiencies identified by inspectors in 2006 included:

- Failure to update its RMP in a timely manner. The update was due in 2004, but wasn't updated until 2006.
- Failure to document that hazards identified in the hazard review had been addressed.
- Operating procedures failed to address consequences of deviation.
- Poor employee training records.
- The company had not developed a formal written maintenance program.